IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

W.P. Nos. 21623, 22113, 22114, 22115,

22116, 22117, 22118, 22119, 22120,

22269, 22495, 22940 and 22954 of 2004

W.P.NO.21623 OF 2004

Between:

Ananthapur Milk Producer Sellers Association, Ananthapur, rep.

by Chinnapa Reddy Sanjeeva Reddy,
S/o Govinda Reddy, aged 50 years, R/o 12-2-495, Ashoknagar,

Ananthapur.

... PETITIONER

AND

1 The Commissioner, Ananthapur Municipality, Ananthapur.
2 The Joint Collector, Ananthapur.
3 Smt. D. Nagamma,
Naik Nagar, Ananthapur.
4 Smt. Ramakrishnamma,
Near Anjaneya Swamy Temple, Obuladevanagar, Ananthapur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction mostly one which is in the nature of a Writ of Mandamus declaring Proceedings Roc.No. 16015/02-C4, Dated 17-11-2004 of the 1st respondent in so

far as the petitioner is concerned as illegal, arbitrary, in violation of the Principles of natural justice, unconstitutional, unjustified and unsustainable and consequently set aside the same in so far as petitioner is concerned holding that the Petitioner is entitled to continue as the implementing agency for Mid Day Meal Scheme of Sri Krishna Devaraya Upper Primary School, DPEP School, Naik Nagar, Aravindagosh Elementary School of Anantapur Town.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondent NO.1: MR. S. I NEWTON, S.C. for Municipalities, (Rayalaseema Area)

Counsel for the Respondent Nos.3 and 4: Mr. K.V. Subba Reddy

WRIT PETITION NO: 22113 of 2004

Between:

Sri Mahalakshmi Mahila Podupu Sangam, rep by B. Ganga

Devi, W/o. B. Rajagopa, Resident of D.NO. 6-3-497, Ramnagar

Railway gate, Anantapur

... PETITIONER

AND

1 The Commissioner Anantapur Municipality Anantapur.
2 The Joint Collector, Anantapur.
3 S. Narasamma, C/o. Jhansi Lakshmi Bai Elementary School, DPEP Maruthi Nagar, Anantapur.
4 M.V. Lakshmi, C/o. Mother Theresa Elementary School DPEP

Maruthi Nagar, Mangalavari Colony, Anantapur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the proceedings Roc No. 15015/02-04 dated 17-11-2004 of the 1st respondent as illegal arbitrary, in violation of principles of natural justice unconstitutional unjustified and unsustainable and consequently set aside the same in so far as petitioner is concerned holding that the petitioner is entitled to continue as the implementing agency for Mid Day Meal Scheme of Jhansi Lakshmi Bai School, Mother Theresa Elementary School, DPEP Maruthi Nagar, Anantapur.

Counsel for the Petitioner: MR.O. Manohar Reddy

Counsel for the Respondent NO.1: MR. S. I NEWTON, S.C. for Municipalities, (Rayalaseema Area)

Counsel for the Respondent No.2: G.P. for School Education

Counsel for the Respondent Nos.3 and 4: Mr. K.V. Subba Reddy

WRIT PETITION NO: 22114 of 2004

Between:

P.Govindu S/o. P.Subbana
D.No.1-3-996, Somanatha Nagar, Anantapur.

... PETITIONER

AND

1 The Commissioner Anantapur Municipality Anantapur.
2 The Joint Collector, Anantapur.
3 Smt.Rasheeda Bee C/o.Indira Gandhi Elementary School
Indira Gandhi Nagar, Anantapur.
4 Padmavathi C/o.NTR Elementary School, Anantapur.
5 K.Narayanamma C/o.Bharathi CSA (A) Elementary School
Moraji Old town, Anantapur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the proceedings Roc No.15015/2002-2004 dated 17.11.2004 of the 1st respondent as illegal arbitrary, in violation of principles of natural justice unconstitutional unjustified and unsustainable and consequently set aside the same in so far as petitioner is concerned holding that the petitioner is entitled to continue as the implementing agency for Mid Day Meal Scheme of Indira Gandhi Elementary School, Vivekanada Elementary School, NTR Elementary School and Bharati CSI (A) Old Town Morarji Anantapur.

Counsel for the Petitioner: MR.O. Manohar Reddy

Counsel for the Respondent NO.1: MR. S. I NEWTON, S.C. for Municipalities, (Rayalaseema Area)

Counsel for the Respondent No.2: G.P. for School Education

Counsel for the Respondent No. 3: Mr. K.V. Subba Reddy

WRIT PETITION NO: 22115 of 2004

Between:

M/s Indira Priyadarshini Neighbourhood Committee, rep. by

Smt. J. Nagarathnamma W/o J. Govindu,

D.No. 6-1-267, Lakshmi Nagar,Anantapur.

... PETITIONER

AND

1 The Commissisoner, Anantapur Municipality, Anantapur.
2 The Joint Collector, Anantapur.
3 Smt. Reddamma, C/o Vidyaranya High School (E & T Medium)

Anantapur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Mandamus or any other appropriate Writ or direction declaring the proceedings Rc.No. 16015/02-04 dated 17-11-2004 of the 1st respondent as illegal arbitrary, in violation of principles of natural justice unconstitutional unjustified and unsustainable and consequenlty set aside the same in so far as petitioner is concerned holding that the petitioner is entitled to continue as the implementing agency for Mid Day Meal Scheme of Bharatmata Elementary School, Vidyaranya High School (E&T) and Azad urdu Elementary School, Anantapur.

Counsel for the Petitioner: MR.O. Manohar Reddy

Counsel for the Respondent NO.1: MR. S. I NEWTON, S.C. for Municipalities, (Rayalaseema Area)

Counsel for the Respondent No.2: G.P. for School Education

Counsel for the Respondent No.3: Mr. K.V. Subba Reddy

WRIT PETITION NO: 22116 of 2004

Between:

M/s. Sri Lakshmi Mahila Podupu Sangham Padmavathi

Neighbourhood Committee Rep. by D. Rama Devi
W/o. D. Rambabu, occ: Business, aged e32 Years, D.No.13-2-

896, Srinivasa Nagar, Anantapur.

... PETITIONER

AND

1 The Commissioner Anantapur Municipality, Anantapur

2 The Joint Collector, Anantapur.
3 Smt. D. Lakshmi, W/o. Ramamurthy,
C/o. chandrasekhar Azad Elementary School, 12 Ward

Anantapur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Mandamus or any other appropriate Writ or direction declaring the proceedings Roc.No. 15015/02-04 dated 17-11-2004 of the 1st respondent as illegal arbitrary, in violation of principles of natural justice unconstitutional unjustified and unsustainable and consequently set aside the same in so far as petitioner is concerned holding that the petitioner is entitled to continue as the implementing agency for Midday Meal Scheme of Chanda Sekhar Azad School, Srinivasa Elementary School, 12 th Ward Elementary School, Anantapur.

Counsel for the Petitioner: MR.O. Manohar Reddy

Counsel for the Respondent NO.1: MR. S. I NEWTON, S.C. for Municipalities, (Rayalaseema Area)

Counsel for the Respondent No.2: G.P. for School Education

WRIT PETITION NO: 22117 of 2004

Between:

Smt. B. Mruthi W/o B. Nagabhushanam
R/o D.No. 27/76 Munna Nagar, Anantapur

... PETITIONER

AND

1 The Commissioner, Anantapur Municipality Anantapur
2 The Joint Collector, Anantapur
3 Smt. G. Padmavathi C/o Babu Rajendra Prasad Elementary

School 23rd Ward Anantapur

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate Writ or direction declaring the proceedings Rc. No. 16015/02-C4 dated 17-11-2004 of the 1st respondent as illegal arbitrary, in violation of principles of natural justice unconstitutional unjustified and unsustainable and consequently set a side the same in so far as petitioner is

concerned holding that the petitioner is entitled to continue as the implementing agency for mid day meal scheme of shahataj Urdu Elementary School and Babu Rajendra Prasad Elementary School, Anantapur

Counsel for the Petitioner: MR.O. Manohar Reddy

Counsel for the Respondent NO.1: MR. S. I NEWTON, S.C. for Municipalities, (Rayalaseema Area)

Counsel for the Respondent No.2: G.P. for School Education

Counsel for the Respondent No.3: Mr. K.V. Subba Reddy

WRIT PETITION NO: 22118 of 2004

Between:

Smt. D. Ameena Bee, W/o. D. Alipeera,
D.No. 13/1/540, Mahatma Gandhi Colony, (Yerrenelu Kottala)
Anantapur

... PETITIONER

AND

1 The Commissioner, Anantapur Municipality Anantapur.
2 The Joint Collector, Anantapur.
3 Smt D. Adilakshmi, C/o. Chatrapati Shivaji Elementary School,

Anantapur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the proceedings Rc.No. 16015/02-04 dated 17-11-2004 of the 1st respondent as illegal arbitrary, in violation of principles of natural justice unconstitutional unjustified and unsustainable and consequently set aside the same in so far as petitioner is concerned holding that the petitioner is entitled to continue as the implementing agency for Mid Day Meal scheme of Chatrapti Sivaji Elementary School and R.C.M. Elementary School, Anantapur

Counsel for the Petitioner: MR.O. Manohar Reddy

Counsel for the Respondent NO.1: MR. S. I NEWTON, S.C. for Municipalities, (Rayalaseema Area)

Counsel for the Respondent No.2: G.P. for School Education

Counsel for the Respondent No.3: Mr.P. Nagendra Reddy

WRIT PETITION NO: 22119 of 2004

Between:

Smt. C. Lakshmi Devi W/o C.V. Subba Reddy
D.No. 12/57, Sainagar Anantapur

...PETITIONER

AND

1 The Commissioner Anantapur Municipality Anantapur
2 The Joint Collector, Anantapur
3 Smt. D. Saroja C/o Aided Guild of Service Elementary School

Anantapur

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate Writ or direction declaring the proceedings Rc. No. 16015/02-C4 dated 17-11-2004 of the 1st respondent as illegal arbitrary, in violation of principles of natural justice unconstitutional unjustified and unsustainable and consequently set a side the same in so far as petitioner is concerned holding that the petitioenr is entitled to continue as the implementing agency for mid day meal scheme of K.S.R. Elementary School and Gild of Service School, Anantapur.

Counsel for the Petitioner: MR.O. Manohar Reddy

Counsel for the Respondent NO.1: MR. S. I NEWTON, S.C. for Municipalities, (Rayalaseema Area)

Counsel for the Respondent No.2: G.P. for School Education

Counsel for the Respondent No.3: Mr. K.V. Subba Reddy

WRIT PETITION NO: 22120 of 2004

Between:

M/s Gajalakshmi Podupu Sangham, rep. by Smt. S. Sakunthala

W/o S. Chennappa,
D.No. 28/454/322, Navodaya Colony, Ananatapur.

... PETITIONER

AND

1 The Commissioner, Anantapur Municipality, Anantapur.

2 The Joint Collector, Anantapur.
3 Smt. D. Sudha, C/o Rahamat Municipal Elementary School,
28 Ward, Navodaya Colony, Anantapur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Mandamus or any other appropriate Writ or direction declaring the proceedings Rc.No. 16015/02-04 dated 17-11-2004 of the 1st respondent as illegal arbitrary, in violation of principles of natural justice unconstitutional unjustified and unsustainable and consequenlty set aside the same in so far as petitioner is concerned holding that the petitioner is entitled to continue as the implementing agency for Mid Day Meal Scheme of Rahamat Elementary School, DPEP Hamali Colony Elementary School, Sarvepalli Radhakrishna Elementary School, Anantapur.

Counsel for the Petitioner: MR.O. Manohar Reddy

Counsel for the Respondent NO.1: MR. S. I NEWTON, S.C. for Municipalities, (Rayalaseema Area)

Counsel for the Respondent No.2: G.P. for School Education

Counsel for the Respondent No.3: Mr. K.V. Subba Reddy

WRIT PETITION NO: 22269 of 2004

Between:

Smt.C.Sarala, W/o.C.Venkateswamy,
D.No.5-1-2(new) 5th Road, Nehru Poormen Colony,
Anantapur.

... PETITIONER

AND

1 The Commissioner, Anantapur Municipality Anantapur.
2 The Joint Collector, Anantapur.
3 Sanjeeva Reddy, S/o.not known to petitioner D.No.12-2-495,
Anantapur.
4 Smt. L.Lakshmi Devi, W/o.Subba Reddy,
R/o. D.No.12/57, Anantapur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the proceedings Rc.No.16015/02-C4 dated 17-11-2004 of the 1st respondent as illegal arbitrary, in violation of principles of natural justice unconstitutional unjustified and

unsustainable and consequently set aside the same in so far as petitioner is concerned holding that the petitioner is entitled to continue as the implementing agency for Mid Day Meal scheme of the schools allotted in Rc.No.15015/02-C4 dated
24-6-2003 and pass.

Counsel for the Petitioner: MR.O. Manohar Reddy

Counsel for the Respondent NO.1: MR. S. I NEWTON, S.C. for Municipalities, (Rayalaseema Area)

Counsel for the Respondent No.2: G.P. for School Education

WRIT PETITION NO: 22495 of 2004

Between:

K. Sujatha D/o K. Ranganayakulu
R/o D. NO. 19/621-C(Old) 19/778 (new) Rani Nagar Anantapur

... PETITIONER

AND

1 The Commissioner Anantapur Municipality Anantapur
2 The Joint Collector, Anantapur
3 N.V. Sailaja W/o Nanda
D.NO. 20/3, Ambarapu Veedhi, Anantapur

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Mandamus or any other appropriate Writ or direction declaring the proceedings Roc. No. 15015/02-04 dated 17-11-2004 of the 1st respondent as illegal arbitrary, in violation of principles of natural justice unconstitutional unjustified and unsustainable and consequently set a side the same in so far as petitioner is concerned holding that the petitioner is entitled to continue as the implementing agency for mid day Meal Scheme of No.2 Training Elementary School, Old Town, Near Anjaneyaswamy Temple, Anantapur and pass such other or further orders as the Hon'ble Court feels deem fit and properint he facts and circumstances of the case.

Counsel for the Petitioner: MR.O. Manohar Reddy

Counsel for the Respondent NO.1: MR. S. I NEWTON, S.C. for Municipalities, (Rayalaseema Area)

Counsel for the Respondent No.2: G.P. for School Education

WRIT PETITION NO: 22940 of 2004

Between:

1 Bhagat Singh Voluntary Organisation, Ananthapur, rep. by its

Secretary and Member Secretary,
S.C.M. Basha S/o. S.C. Faleruddin, R/o. 19-110-A=307-15,

Ramagar, Anantapur.
2 S. Maboo Sab, S/o S. Mohiuddin Sab,
R/o. 19-110-A-307-15, Ramnagar, Anantapur.

... PETITIONERS

AND

1 The Commissioner, Anantapur Municipality, Anantapur.
2 The Jt. Collector, Anantapur.
3 Smt. Tulasamma,
C/o. NVR Elementary School, 15th Award, Anantapur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue writ of mandamus or any other appropriate writ or direction declaring the proceedings Rc.NO. 15015/02-C4 dt. 17.11.2004 of the 1st respondent as illegal arbitrary, in violation of principles of natural justice unconstitutional unjustified and unsustainable and consequently set aside the same in so far as petitioner is concerned holding that the petitioner is entitled to continue as the implementing agency for Mid Day Meal Scheme of K.S.R.Elementary school and Gild of Service School, Anantapur and pass such other or further orders as the Hon'ble Court feels deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner: MR.O. Manohar Reddy

Counsel for the Respondent NO.1: MR. S. I NEWTON, S.C. for Municipalities, (Rayalaseema Area)

WRIT PETITION NO: 22954 of 2004

Between:

1 Bhavani Mahila Sangam, rep.by its President P.Malleswari W/o

Late P.Krishna Murthy D.No. 20/253,Amberapu Street, Old

Town, Ananthapur.
2 Anusha Mahila Podupu Sangam, rep. by its President N.V.

Sailaja W/o N.V. Nanda Kumar,
D.No. 20/9, Amberapu Street, Old Town, Ananthapur.

... PETITIONERS

AND

1 The Commissioner , Anantapur Municipality, Anantapur.
2 The Joint Collector, Anantapur.
3 Smt. J. Ramanamma W/o J. Chalapathi,
D.No. 20/294, Ambarapur Street, Old Town, Anantapur District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the proceedings Rc.No. 15015/02-C4 dated 17-11-2004 of the1st respondent as illegal arbitrary, in violation of principles of natural justice unconstitutional unjustified and unsustainable and consequently set aside the same in so far as petitioner is concerned holding that the petitioner is entitled to continue as the implementing agency for Mid Day Meal scheme of Prabhakarji Abdul Kalam Urdu Upper Primary School, Ananthapur.

Counsel for the Petitioner: MR.O. Manohar Reddy

Counsel for the Respondent NO.1: MR. S. I NEWTON, S.C. for Municipalities, (Rayalaseema Area)

Counsel for the Respondent No.2: G.P. for School Education

Counsel for the Respondent No.3: Mr. Y. Ashok Raj

The Court, at the admission stage, made the following:

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. Nos. 21623, 22113, 22114, 22115,

22116, 22117, 22118, 22119, 22120,

22269, 22495, 22940 and 22954 of 2004

Common order:

Heard the learned counsel for the petitioners, the learned Standing Counsel for the Municipality and the learned Government Pleader for School Education. As the issue involved in all the writ petitions is one and the same or more or less similar, they are disposed of by this common order.

The petitioners, who are the Implementing Agencies of the Mid-day Meal

Scheme, attached to different Schools, have filed this batch of writ petitions, assailing the proceedings dated 17-11-2004 of the Commissioner, Anantapur Municipality, whereby some new Implementing Agencies are sought to be introduced by detaching some of the petitioners from the Schools to which they are attached, or the number of children from the purview of their implementation of the scheme by them, are sought to be reduced, or shifted from one school to another, where the strength of the children is low.

The learned counsel for the petitioners submit that neither any notice has been issued nor any enquiry conducted by the Commissioner before passing the impugned order, which seeks to either remove the petitioners as Implementing Agency or reduces the number of children from their purview or shifts them from one place to another. They submit that the impugned order came to be passed at the instance of rival political groups. They submit that no reason whatsoever has been assigned by the Commissioner in the impugned order, which justifies his action. They came to know of the reasons for the first time only through the counter, and had the reasons, which they stated in the counter been reflected in the impugned order, they could have defended properly. Therefore, impugned order, is liable to be set aside on the ground of it being illegal and arbitrary.

The learned Standing Counsel for the Municipality and the learned Government Pleader for School Education submitted the Commissioner having regard to the complaints against the Implementing Agencies, and keeping in view the fact that some of the Implementing Agencies are having more number of children under their purview and have been appointed as Implementing Agency for more than one school, located at different places, in order to reorganize, identify and rationalize the Implementing Agencies, for effective implementation of the Mid-day Meals Scheme, which is for the benefit of the children, has passed the impugned order, and no interference is called for therewith.

Be it noted that Midday Meal Scheme is a social welfare scheme. The intendment of the scheme is to provide one square meal a day to school going children who cannot afford it. The scheme apart from providing one square meal a day to school going children, to top it all, aims to secure 100% attendance of the children in the schools in order to make them literate. The scheme, except benefiting the children,

should benefit none, and no one can expect to derive any benefit therefrom.

This Court in **Rudramamba Mahila Dwacra Group, Warangal v. Prl. Secy., Education Dept.** held that Midday Meal Programme is a non-statutory scheme and the guidelines governing their appointment do not confer any right on the petitioners who were appointed thereunder and that it is not necessary to hear them before their services as Implementing Agency are discontinued. That being the legal position, the petitioners cannot be expected to be issued any notice by the authorities before seeking to dispense their services as Implementing Agency or when the number of students or schools from the purview of implementation of the scheme by them is sought to be reduced or when they are sought to be shifted from one school to another, and more so for effective implementation of the scheme.

A reading of the impugned order would disclose that there are complaints against the Implementing Agencies in regard to the implementation of the scheme, that there is no uniformity in the distribution of children and schools, in that one Implementing Agency is attached to more than one school with more number of children while another Implementing Agency is attached to only one school with less number of children. In order to bring in uniformity and remove the disparity, and to ensure that the scheme is implemented effectively and properly, and that the children for whose benefit the scheme has been introduced, are served with quality and steaming food, the Commissioner has passed the impugned order, seeking to introduce some new Implementing Agencies by reducing the number of children and schools from the purview of some of the Implementing Agencies, and shifting some of the Implementing Agencies from one school to another, for the sake of convenience, and no exception can be taken thereto.

There is no merit in the writ petitions, and they are accordingly dismissed. No costs.

_____

N.V. RAMANA, J.

Date: December, 2004.

MRR/KSR

Copy to:

1 The Commissioner, Ananthapur Municipality, Ananthapur.
2 The Joint Collector, Ananthapur.

3 Two C.C. s to the G.P. for School Education, High Court Buildings,

Hyderabad (OUT)

4 Two C.D. Copies.